IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27/04/2004

CORAM

THE HONOURABLE MR.JUSTICE F.M.IBRAHIM KALIFULLA

W.P.No.14941 of 2002

Retired Officials Association
Coimbatore, rep. by its
President N.Umathanu
75, Maniam Kaliappa Street
K.K.Pudur
Coimbatore-641 038. .. Petitioner

-Vs-

State of Tamilnadu
represented by its Secretary
to Government
Finance Department
Secretariat
Chennai-9. .. Respondent

Writ petition filed under Article 226 of the Constitution of India
praying for the issue of a writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the respondent in G. O.Ms.No.174, Finance (Pay Cell) Department dated 21.4.1998 and quash the same in so far as deduction in monthly pension, gratuity and commutation from the Teachers who retired between 1.1.1996 and 31.3.1998 and direct the respondent to pay the revised pension and gratuity in the revised scale of pay to the persons who retired in between 1.1.199 6 and 31.3.1998.

!For petitioner : Mr.T.Sellapandian

^For respondent : Mr.M.Hidayathulla Khan
Government Advocate

:ORDER

In this writ petition, the challenge is to paragraph 6 of G.o.Ms.No.174 Finance (Pay Cell) Department dated 21.4.1998, wherein, the respondent has directed that the arrears due to the pensioners/family pensioners be calculated for the period between 1.1.1996 and 31.3.1998 after adjusting the third instalment of interim relief paid with effect from 1.4.1996. It was further directed that out of the said amount, the adhoc arrear payment of Rs.1,000/- already received by the pensioners/family

pensioners should be deducted. Ultimately, it was then directed that from out of the net arrear amount so arrived at, 20% should be paid in the Financial Year 1998-1999 and another 20% to be paid during the next Financial Year, while the balance 60% of the arrears should be paid after five years, i.e., in the Financial Year 2003-2004 with interest as admissible to General Provident Fund. It was further stated that the arrears in respect of employees who retired on or after 1.1.1996, who derive fixation of pay and the consequential revision of pay, pension and pensionary benefit up to 31.3.1998 should also be regulated, as detailed above. The members of the petitioner Association are those who retired between 1.1.1996 and 31.3.1998.

2. The learned counsel for the petitioner, though attempted to argue as to the correctness of the directions given in paragraph 6 of the impugned Government Order, since the time fixed for the final payment itself having been reached, I am of the view that no useful purpose will be served by going into the various contentions as regards the challenge made to the said

paragraph. It would be suffice if the respondent is directed to settle the arrears to be worked out and paid as per paragraph 6 without any further delay, to alleviate the grievances of the petitioner.

3. At this juncture, the learned counsel for the petitioner states that the members of the petitioner Association were not even paid the first instalment of 20% or the second instalment of 20% as well as the balance amount of 60%.

4. In such circumstances, this writ petition is disposed of, directing the respondent to settle the payments of the members of the petitioner Association who are actually covered by paragraph 6 of the impugned G.O.Ms.No.174, Finance (Pay Cell) Department dated 21.4.1998 and when settling their dues as per the said paragraph, shall make whatever payment that is due either it is first instalment of 20% or the second instalment of 20% as also the final instalment of 60%. If the first and second instalments of 20% each had already been paid, this direction for the said payment need not be complied with. On the other hand, if the same had not been paid already on the due dates, the respondent shall pay the same also along with the final instalment of 60% with the admissible interest payable, as directed in the said paragraph 6 of G.O.Ms.No.174, Finance (Pay Cell) Department dated 21.4 .1998. Such settlement as regards the payment shall be made by the respondent to such of those members of the petitioner Association within two months from the date of production of a copy of this order.

The writ petition is disposed of accordingly. No costs.

Index: Yes
Internet: Yes

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To:

The Secretary

Finance Department
Government of Tamilnadu
Fort St. George
Secretariat
Chennai-600 009.